

ORDINANCE NO. 1142

ORDINANCE PROVIDING FOR INSTALLATION OF PUBLIC  
IMPROVEMENTS AND DEDICATION OF RIGHTS-OF-WAY  
AND EASEMENTS IN CONJUNCTION WITH BUILDING CON-  
STRUCTION OR OTHER DEVELOPMENT AND REPEALING  
SECTION 5-19 THROUGH 5-21 OF THE CODE OF THE  
CITY OF LODI.

The City Council of the City of Lodi does ordain as  
follows:

Section 1. Section 5-19, 5-20, and 5-21 of the Code of the  
City of Lodi are hereby repealed and the same are superceded  
and replaced by new Section 5-19, through 5-28 to read as  
hereinafter set forth.

Section 2. There is hereby adopted a new Section 5-19 of the  
Code of the City of Lodi to read in full as follows:

Sec. 5-19. PURPOSE. The purpose of this ordinance  
is to set forth requirements for the installation of non-existent  
or inadequate non-conforming public off-site improvements and  
the dedication of public rights-of-way and easements as a condi-  
tion to the issuance of a building permit or development approval  
in order to protect and improve the public's safety, convenience  
and general welfare.

Section 3. There is hereby adopted a new Section 5-20 of the

Code of the City of Lodi to read in full as follows:

Sec. 5-20. DEFINITIONS. For the purpose of this ordinance, the following words and phrases shall have the meanings respectfully ascribed to them by this section:

Development means all residential, commercial and industrial construction or remodeling, as well as developments of public agencies, including but not limited to on-site parking facilities, open storage areas, and other similar improvements which may or may not require a building permit.

Off-Site Improvement means all publicly-owned facilities that are or will be located in the public right-of-way which typically include, but are not limited to, curbs, gutters, sidewalks, street paving, storm drains; watermains, sewer lines, fire hydrants, electrical facilities, street lights and landscaping.

Section 4. There is hereby adopted a new Section 5.21 of the Code of the City of Lodi to read in full as follows:

Sec. 5-21. DEVELOPMENT MUST COMPLY. No building permit shall be issued for a development nor shall an on-site parking facility, open storage area or other similar improvement be created or constructed within the City of Lodi, unless compliance is made with the public off-site improvements and dedication requirements set forth in this ordinance.

Section 5. There is hereby adopted a new Section 5-22 of the

Code of the City of Lodi to read in full as follows:

Sec. 5-22. EXCEPTIONS AND DEFERMENTS.

- a. The preceding requirements shall not apply if the cost of development is determined by the Public Works Director to be less than ten thousand dollars (\$10,000).
- b. The City may defer compliance with preceding requirements if the Public Works Director determines that it would be in the best interest of the City to cause all or a portion of the work to be done on an area-wide basis, provided that the property owner enters into an agreement with the City of Lodi agreeing that the property owner will undertake and start the construction of the required improvements within ninety (90) days after notice is given by the City. The agreement shall further provide that in the event of default in undertaking and completing the required improvements within the time specified, the City may cause such work to be done and the cost thereof to be assessed as a lien against the property. Such agreement shall also be considered as a covenant running with the land and shall be recorded in order to constitute notice to any prospective buyer of such property. The City Manager is authorized to

execute such an agreement for and on behalf of  
the City of Lodi.

Section 6. There is hereby adopted a new Section 5-23 of the  
Code of the City of Lodi to read in full as follows:

**Sec. 5-23. OFF-SITE IMPROVEMENT REQUIRE-**  
**MENTS.** The off-site improvements

required for all developments under this article are as follows:

- a. ~~C~~ b, gutter, sidewalk, driveways and street im-  
provements shall be installed **fronting all portions**  
**of the developer's property being developed wh ch**  
**fronts upon a public street or future public street.**

Said improvements shall be in accordance with the

Section 7. ~~There is hereby adopted~~  
**then current City Policies and City standards.**

~~of the City of Lodi to read in full as follows:~~

- b. **Water, sewer, storm drains, and landscaping shall**  
**be installed in accordance with the then current City**  
**policies and City standards..**

- c. **Electrical facilities and street lights shall be in-**  
**stalled in accordance with plans prepared and approved**  
**by the City of Lodi Utility Department.**

- d. **Plans showing the off-site improvements shall be**  
**prepared by a Registered Civil Engineer unless waived**  
**by the Public Works Director.**

- e. The installation of off-site improvements within existing public right-of-way requires an Encroachment Permit from the City of Lodi.
- f. If off-site improvements exist that do not meet existing City standards or are inadequate or a hazard to the general public, then these off-site improvements shall be reconstructed to current City standards.

g. No occupancy permit shall be issued, or utility connections made unless the required off-site improvements and dedications have been completed and approved.

Section 7. There is hereby adopted a new Section 5-24 of the Code of the City of Lodi to read in full as follows:

Sec. 5-24. -STANDARD DEDICATIONS.. The public right-of-way and easement dedications required under this ordinance shall be in conformance with the then current City of Lodi Design Standards and adopted specific plans. The required dedications shall be made prior to the issuance of a building permit or allowing the development to proceed.

Section 8. There is hereby adopted a new Section 5-25 of the Code of the City of Lodi to read in full as follows:

Sec. 5-25. GUARANTEE AND PERMIT ISSUANCE. Any person required to construct off-site improvements under this

ordinance shall either complete same to City specifications or shall guarantee such completion by furnishing to the City of Lodi prior to the issuance of a building permit, or allowing a development to proceed a surety bond, instrument of credit, or cash in the amount of the development's construction cost.

Section 9. There is hereby adopted a new Section 5-26 of the Code of the City of Lodi to read in full as follows:

Sec. 5-26. INSPECTION AND APPROVAL. Off-site improvements required under this ordinance are subject to the inspection and approval of the Public Works Director.

Section 10. There is hereby adopted a new Section 5-27 of the Code of the City of Lodi to read in full as follows:

Sec. 5-27. FEES. The then current applicable development fees must be paid prior to the issuance of a building permit or allowing a development to proceed to cover the following:

- a. Master Storm Drainage Acreage Fee
- b. Intract Storm Drainage Acreage Fee
- c. Engineering Fee
- d. Other Established Development Fees

Section 11. There is hereby adopted a new Section 5-28 of the Code of the City of Lodi to read in full as follows:

Sec. 5-28. APPEAL. Any person required to make improvements or dedications under this ordinance may appeal any


decision of the Public Works Director to the City Council. Such appeals shall be in writing and shall be filed with the City Clerk within fifteen (15) days of the date notice of the decision is made.

The City Council shall hold a hearing on the appeal within thirty (30) days of the date on which the appeal was filed. The City Clerk shall send written notice of the hearing to the appellant at least seven (7) days prior to the date of the hearing. The determination of the City Council shall be considered as final.

Section 1 . This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty (30) days after its passage and approval.

Approved this 17th day of May 1978

  
JAMES W. PINKERTON, JR.  
MAYOR

  
Attest: ALICE M. REIMCHE  
CITY CLERK

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1142 was introduced at a regular meeting of the City Council of the City of Lodi held April 5, 1978 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 17, 1978 by the following vote:

